

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:18-CR-36-TAV-DCP-14
)	
GREGORY D. BROWN, SR,)	
)	
Defendant.)	

ORDER

Defendant's sentencing implicates the Sixth Circuit's recent en banc decision in *United States v. Havis*, No. 17-5772, 2019 WL 2376070 (6th Cir. June 6, 2019). The hearing will therefore be **CONTINUED**. Accordingly, defendant's sentencing hearing is **RESCHEDULED** to **Wednesday, July 17, 2019, at 11:00 a.m.**

Moreover, the parties are **DIRECTED** to simultaneously file supplemental briefs addressing the following question:

- Does Tennessee's criminal conspiracy statute, Tenn. Code Ann. § 39-12-103, as is applies to Tennessee's aggravated assault statute, Tenn. Code Ann. § 39-13-102, have "as an element the use, attempted use, or threatened use of physical force against the person of another," under the reasoning of *United States v. Gloss*, 661 F.3d 317, 318 (6th Cir. 2011)?

These briefs shall be filed within **seven (7) days** of entry of this order and should address at least that question, as well as any other matter relating to defendant's sentence post-*Havis*.

IT IS SO ORDERED.

s/ Thomas A. Varlan

UNITED STATES DISTRICT JUDGE